

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO <i>ex rel.</i>)	
State Engineer,)	
)	6:69-cv-07941-BB
Plaintiff,)	
v.)	RIO CHAMA STREAM SYSTEM
)	Rio Cebolla, Section 3
ROMAN ARAGON, <i>et al.</i> ,)	
)	Subfile No(s).
Defendants.)	CHCB-005-0002

UNOPPOSED MOTION TO SET ASIDE DEFAULT JUDGMENT
AND TO SUBSTITUTE DEFENDANT

COMES NOW, Flavio Gurule, by and through his counsel The Egolf Law Firm, LLC (Brian F. Egolf, Jr., Esq.), to move the Court pursuant to F.R.C.P. 60(b) to set aside the entry of default and default judgment entered against the Estate of Julian Serrano, Deceased on April 28, 2009 (Doc No. 9449) and to substitute Mr. Gurule for the Estate of Julian Serrano, Deceased ("Estate" herein). As grounds for this motion, Mr. Gurule states the following:

1. On January 2, 2009, Mr. Gurule became the owner of the property described in Subfile No. CHCB-005-0002. Deed attached hereto as Exhibit 1.
2. Prior to Mr. Gurule's acquisition of the property, the State of New Mexico Filed an application with the clerk of the Court for an entry of default against the Estate on December 30, 2008 (Doc. No. 9345).
3. During the time between Mr. Gurule's acquisition of the property and the Court's entry of a default judgment against him, Mr. Gurule made


reasonable yet unsuccessful efforts to obtain counsel and to properly serve an answer in this proceeding.

4. Mr. Gurule hired counsel on May 13, 2009.
5. The State of New Mexico does not object to the Court setting aside the order granting default judgment.

WHEREFORE, Mr. Gurule respectfully moves the Court, pursuant to F.R.C.P. 60(b), to set aside the entry of default and the default judgment against the Estate of Julian Serrano, Deceased and to substitute him for The Estate of Julian Serrano, Deceased.

Respectfully Submitted,

The Egolf Law Firm, LLC

By: 
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Approved:

Approved via email on June 2, 2009.

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